

S:/Committee/Appointed Committee Handbook/Handbook 9-14-2011 Version

2.3 Appointment

The goal of the appointing authorities is to appoint qualified and interested Amherst residents who are broadly representative of the Town. The appointing authorities carefully consider applications and suggestions from many sources, including but not limited to Citizen Activity Forms, verbal expressions of interest, recommendations by Committees, etc. They also take into account as many relevant factors (e.g., age, sex, race, experience, place of residence, etc.) as possible and make a special effort to ensure representation by gender, minorities and tenants. U.S. Citizenship is not a prerequisite for appointment. Selections are based on current Committee composition, qualifications, experience, recommendations, available space and on attendance record and previous performance, when available. Generally, if a person is serving a first term, they are given preference for a second. Conversely, if a person is completing a second term, and there are other qualified applicants, preference would be given to a newcomer. The general policy is to appoint an individual to no more than two permanent Committees at a time. Non-residents may serve on Committees when the appointing authority deems it in the best interest of the Committee and the Town. Some Committees have voting or non-voting representatives appointed through their home Committees. For example, the Community Preservation Act Committee has voting representatives nominated by the Planning Board, the Conservation Committee, the Historical Commission, the Housing Authority and the Leisure Services. The Agricultural Commission, however, has a non-voting representative from the Planning Board. All appointees receive written notification of appointment and a Certificate of Appointment signed by the appointing authority and must be sworn in by the Town Clerk prior to attending a Committee meeting as an official member. The Town Clerk gives Committee members information about the Open Meeting Law (M.G.L. c. 30A, §§ 18-25) as state statutes require; members must sign a written acknowledgment of receipt. Staff liaisons are appointed by the Town Manager to advise Committees.

2.6 Resignation

A Committee member who is no longer able to serve should resign promptly so that the vacancy may be filled. A written resignation must be submitted to the appointing authority and the Chair of the Committee; it may be submitted to the Town Clerk or to the Town Manager's office.

4.1 Definition

A quorum is necessary for conducting official business (Zoning Board of Appeals is a special case, requiring all members of a three-member panel to be present for a hearing; regular quorum rules apply for ZBA administrative meetings). A quorum consists of greater than 50% of the full membership: i.e., quorum for a 6-member Committee is 4; quorum for a 7-person Committee is also 4. At this time, vacancies count as part of the full membership for determining a quorum according to Town Counsel. However, the Attorney General's office disagrees and is considering the reason for the Town Counsel's decision so this may change.

A meeting occurs at any time a quorum of the Committee (or subcommittee) members get together to discuss or consider any public business or policy over which the Committee has some jurisdiction or advisory power. At this time, members may not participate from remote locations even though the Open Meeting Law, section 20(d) states: "The attorney general may by regulation or letter ruling, authorize remote participation by members of a public body not present at the meeting location; provided, however, that the absent members and all persons present at the meeting location are clearly audible to each other; and provided, further, that a quorum of the body, including the Chair, are present at the meeting location. Such authorized members may vote and shall not be deemed absent for the purposes of section 23D of chapter 39."

The decision on remote participation will be made some time after September 2011.

4.8 Recordkeeping

Committees should strive for transparency, posting minutes as soon as they become available. State law requires that a Committee keep accurate records of its public meetings. The Committee must vote to accept all minutes. These records are public information, and Chairs, their designees or the staff liaison must post a copy of all approved minutes in electronic format (stored in an archive on line) AND in addition, a hard copy of all approved minutes must be filed with the Select Board Office.

8.2 Liaison with Select Board

Select Board members serve as liaisons to many Town Committees. The Committee Chair consults with the liaison when problems occur. The Select Board liaison keeps in touch with the Committee's work by attending meetings when possible, talking with the Chair, and receiving minutes, agendas, and reports. The liaison may Chair the first meeting of a newly established Committee, explain the charge, and preside over the election of a Chair who will then take over the meeting.

The liaison does not have a vote on the Committee but is sometimes asked to give an opinion or assistance. Occasionally, a special Committee is made up of representatives from many Committees; in those cases, all members may be voting members. It is best to clarify voting or nonvoting status at the beginning of the Committee's work. The liaison reports to the full Select Board from time to time about the Committee's progress.